

24.07.2023.
34.
Ct.No.28
as
(Allowed)

C.R.M. (DB) 2904 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Taherpur P. S. Nadia Case No.100 of 2023 dated 06.03.2023 under Sections 306/34 of the Indian Penal Code.

In the matter of : Bimal Mali.

.... Petitioner.

Mr. Sumanta Das.

...for the Petitioner.

Mr. Tanmoy Kr. Ghosh, Id. S.G.A.,

Mr. Arindam Sen.

...for the State.

Petitioner is in custody for 127 days. It is submitted victim had taken a loan but had failed to repay. Ingredients of abetment to suicide are not disclosed. He prays for bail.

Learned advocate for the State opposes the bail prayer.

We have considered the materials on record including the suicide note. Suicide note implicates the petitioner. But the factual matrix giving rise to the unfortunate incident shows that the petitioner and co-accused had threatened to report the matter to police as the victim had failed to repay the loan. Whether this conduct would constitute abetment to suicide requires to be assessed during trial. Investigation is complete. There is no chance of abscondence.

Under such circumstances, we are inclined to grant bail to the petitioner.

Accordingly, the petitioner viz., Bimal Mali shall be released on bail upon furnishing a bond of Rs.10,000/- with two sureties of like amount each, one of whom must be local,

to the satisfaction of the Learned Additional Chief Judicial Magistrate, Ranaghat, Nadia subject to condition that he shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to appear before the Trial Court without any justifiable cause, the trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

The application for bail is, thus disposed of.

(Ajay Kumar Gupta,J.)

(Joymalya Bagchi, J.)